

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYRIEFF HART	:	CIVIL ACTION
	:	
v.	:	
	:	
BARRY SMITH, THE DISTRICT	:	
ATTORNEY OF THE COUNTY OF	:	
LEHIGH, and THE ATTORNEY GENERAL:	:	
OF THE STATE OF PENNSYLVANIA	:	NO. 20-5236

ORDER

NOW, this 6th day of March, 2023, upon consideration of the Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2254 (Doc. No. 5), the response, the reply, the Report and Recommendation filed by United States Magistrate Judge Lynne A. Sitarski (Doc. No. 16), and the Petitioner's Objections to the Report and Recommendation, and after a thorough and independent review of the record, it is **ORDERED** as follows:

1. The petitioner's objections are **OVERRULED**;
2. The Report and Recommendation of Magistrate Judge Lynne A. Sitarski is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of *Habeas Corpus* is **DISMISSED WITHOUT PREJUDICE**; and,
4. No certificate of appealability will issue because the petitioner has not made a substantial showing of the denial of a constitutional right under 28 U.S.C. § 2253(c)(2).



TIMOTHY J. SAVAGE, J.